



C I T Y O F S A V A N N A H
Z O N I N G B O A R D O F A P P E A L S

Arthur A. Mendonsa Hearing Room
112 E. State Street, Savannah 2:30 PM
Minutes

October 25, 2011 Savannah Zoning Board of Appeals Meeting

Members Present: Timothy Mackey, Chairman
Brian Reese
Sidney Johnson

Staff Present: Jack Butler, Assistant Secretary
Constance Morgan, Administrative Assistant

Advisory Staff Present: Thomas Bolton, City Zoning Inspector

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Mackey called the the SZBA Meeting to order at 2:40pm. He explained the agenda for the benefit of those attending a meeting for the first time.

II. Notices, Proclamations and Acknowledgements

Notices

2. [The Next SZBA Meeting: November 22, 2011 at 11:00am in the Arthur Mendonsa Hearing Room](#)

III. Approval of Minutes

3. [Approval of the October 3, 2011 SZBA Meeting Minutes](#)

Attachment: [October3.pdf](#)

Board Action:

Approval of the October 3, 2011 SZBA Meeting Minutes as submitted. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

IV. Item(s) Requested to be Removed from the Final Agenda

4. [1114 East 56th Street - Remote Parking Facility 39325](#)

Board Action:

Approval of the petitioner's request as submitted. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

5. [905 E. 69th St. - Remote Parking Facility - 41204](#)

Board Action:

Approval of the petitioner's request as submitted. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

The Consent Agenda consists of items for which the applicant is in agreement with the staff recommendation and for which no known objections have been identified nor anticipated by staff. Any objections raised at the meeting will result in the item being moved to the Regular Agenda.

V. Consent Agenda

VI. Old Business

6. [5451 Magnolia Avenue - Standards Variance - 54767](#)

Attachment: [Staff Report -54767.pdf](#)

Attachment: [Ortho-Zoning-Imagery.pdf](#)

Attachment: [Site Photo.pdf](#)

Attachment: [Neighbor Comment.pdf](#)

Attachment: [Plat-5447 Magnolia Park.pdf](#)

Present for the petition was: Willene Cobb

Jack Butler gave the following summary;

This item was continued from the October 3rd meeting in order to give board members another opportunity to visit the site and familiarize themselves with the property. Staff recommendation remains unchanged. The petitioner, Walter Sparks, Agent for Willene Cobb, is requesting approval of an after-the-fact four-foot side setback variance and a variance from the requirement that accessory units shall be located in side or rear yards only in order to allow an existing front-yard carport to continue encroachment on the required five foot setback. Staff recommendation is for denial.

Chairman Mackey asked Mr. Butler if he would clarify staff's recommendation.

Mr. Butler stated that the request is for a variance of the standard, which is in this district precludes putting a parking space or accessory structure in the front yard. And also for a side setback variance that would also allow the structure to encroach on the sideyard setback. Staff recommendation is for denial.

Chairman Mackey asked if there was any new information from either party to be presented to the Board on behalf of this case.

Speaking on the petition: Willene Cobb, petitioner stated that Mr. Sparks has agreed to shave off a portion of the carport so that it would not extend over onto the neighboring property. She added that she was not in favor of removing the carport due to the fact that she would have to demolish the entire driveway. She stated that she is still willing to try to work with her neighbor in order to agree on a compromise.

Mr. Sparks, builder stated that he would cut five or six inches from the overhang and add a gutter in order to prevent water from flowing over to the neighboring property.

Mr. Butler stated that the structure is not permitted in the front yard and that no other structures in this block have this type of structure in the front yard. He added that the structure was built without a building permit and had the owner sought a permit she would have known that she was in violation.

Ms. Cobb responded that during the last meeting she presented the board with pictures of houses in the neighborhood with carports in the front yard. She added that she was not aware that she needed a permit to construct a carport.

Mr. Johnson addressed Ms. Cobb and explained that he saw that she had gone about this process in the wrong way. She did not have a permit from the outset. If she had sought a permit she would have been told that she was in violation and would not have been allowed to build the carport. He further explained that her petition would be denied because of the lack of a permit and that she had extended the project onto her neighbor's property and that he has made a complaint. He stated that the board could not approve her petition because it should not have been constructed.

Mr. Spark stated that the majority of the homes in that area had carports and that they were constructed without permits. The property lines are very close and there is no access to the property through the backyard. The only space to build is the front yard. He said that normally this would not be a problem but Ms. Cobb's neighbor was displeased with the carport so close to his property and he complained. This is why they were making their request before the board.

Mr. Reese stated that he was confused as to why the petitioner did not obtain a permit prior to construction; if she had, the board would be in a better position to help her with her request, but as it stands, she is in violation.

Chairman Mackey asked if it was the charge of the Board to discuss the lack of the permit.

Jack Butler responded that it was not.

Chairman Mackey asked what was the Board's charge on this matter.

Mr. Butler explained that the Board's charge was to determine; 1) whether or not the standard that the accessory structures are not permitted in the front yard be varied; 2) to allow it in the front yard and; 3) to determine whether or not to set aside the side yard setback that is ordinarily required.

Ms. Cobb asked if she would move the structure over three or four feet so as not to encroach upon the neighboring property, if she were allowed the carport.

Mr. Butler explained that this was an entirely different question. If the structure is to be moved over so as not to encroach, it would remain in the front yard and would still require a variance of that standard. He stated that he and Mr. Johnson visited the neighborhood on Friday and found that there are no other front yard carports on the block of the subject's property, and he added that this is a rather lengthy block. This carport, as it stands, is highly visible. However, the Board could determine that these structures could be allowed in the front yard and the Board could vary that standard.

Board Action:

Denial per staff recommendation. - PASS

Vote Results

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

VII. Regular Agenda

7. [309 E. 41st St. - Standards Variances - 57746](#)

Attachment: [Staff Report -57746.pdf](#)

Attachment: [Ortho-Zoning-Imagery.pdf](#)

Attachment: [E41st STREET GROUP SITE PLAN.pdf](#)

Attachment: [Site Plan.pdf](#)

Attachment: [COA - 309 East 41st Street.pdf](#)

Present for the petition was: Corde Wilson

Jack Butler gave the following summary:

He stated that there were two applications here that were very similar; number 6 and number 7 on the agenda; 309 and 311 East 41st Street. His summary would pertain to both applications.

The petitioner, Corde Wilson for Beacon Builders, is requesting approval of a ground floor height variance of two feet (reduced from 13 to 11 feet), a building frontage variance of 3% (reduced from 70 percent of lot width to 67 percent), and a reduction in side yard setback of five feet (from the 10 feet required) in order to build a free-standing single-family residence. The two properties are two lots 309 and 311 East 41st Street. The petitioner is proposing to build a grand total of six houses but at the moment staff is reviewing only two lots. The property is zoned TC-1 (traditional commercial) in the Thomas Square / Mid-City zoning district. The lot is thirty feet wide and ninety feet deep. The petitioner is proposing to build a two story stand alone single family resident of 20ft x 45ft foot print. The text of the TC-1 zoning district states that there is a zero side setback required or allowed when property sides are abutting a TC-1 or a TC-2 zoning district however the illustration accompanying the text could be interpreted to mean that a detached structure requires a 10ft side setback. The petitioner is proposing to provide four and five-foot side setbacks on either side of the proposed houses. Particular piece of property is substantially larger than the minimum requires for the district and the request for the reduction in the first floor height is appropriate. The first floor minimum height is intended for structures where the ground floor is a commercial use; TC-1 being a mixed-use zoning district. Where the ground floor is to be residential, the 11ft first floor is deemed appropriate by the Preservation Officer and in fact the applicant has received a

certificate of appropriateness for the design of these structures. The request for the side setback variance was based on an interpretation of a drawing accompanying the development standard language in the TC-1 zoning district ordinance. Staff recommends that the board rule that the text of the standard obtain over the apparently inconsistent drawing and find that a zero side setback is permitted when the structure abuts a TC-1 or TC-2 zoning district, making the petitioner's proposed 5ft side setback acceptable under the ordinance, therefore no variance is required. The request for a 3ft post frontage variance was predicated on the side setback requirements. The preservation officer recommended and staff concurs that the frontage requirement of 70% minimum be maintained. Staff therefore recommends denial of the requested 3% frontage variance. In fact the structures have been designed with the full 70% frontage required. Also, staff has been contacted by the owner of the adjacent commercial property who has expressed the concern that future residents of the petitioner property may object to his conforming commercial operation which is a vehicle repair business. Staff therefore recommends that the petitioner be required to include on all plats and drawings of the subject property the words "conforming commercial" on lots of the east of 311 E. 41st Street.

Speaking on the petition: Corde Wilson, petitioner stated that he thought that he would be applying for three variance but after meeting with Ms. Sarah Ward, the preservation officer she asked that the building frontage be increased to 70%. He added that he would also be adding a foot to the structure which now makes it 21ft wide. He is also requesting a reduction from the 13foot first floor height to the 11feet which makes the building seem top heavy. He concluded that he proposes to build six single family houses to make happy new families.

Liz Thompson, Attorney for Parrish Holdings stated that her client owns the auto repair business that abutts this property. She stated that first of all she wanted to state on behalf of her client that he was not opposed to the project, but felt that it is a great project. However he does have some concerns. Mr. Parrish has been at this location for approximately 20 years and he wants to affirm their approval of the staff's recommendation that all plats have "conforming commercial" indicated to the left of where this project is going so that all home owners buying here will acknowledge that there is an ongoing business here. He would also like to ask that this board consider in light of the widely differing uses between these two abutting properties that a screening wall be required between lot 72 and 74 (under the code Section 7.1.9B2); an eight foot screening wall is allowed and he asks that the Board consider this so that the residential use would be appropriately seperated from the business. She again applauded the wonderful infill in this neighborhood of residential houses and concurred with the recommendation of staff that all plats have "conforming commercial" on them and that there is a screening wall to separate the residential property from the commercial.

Tony Parrish stated that this area was once a war zone. It was so bad that if the police frisked you going through the neighborhood for a gun, and you did not have one, they would give you a loaner. (hahahahahahaha) It was very bad. He said that he has lost thousands of dollars from break-ins to automobiles in his custody for repair. Now this is the place that people want to be. They want to live in the mid-town area. He went on to explain that he has operated his business at this location for almost 20 years and he would like to continue to operate here. He only asks that in a couple of years from now that he not be bombarded by neighbors complaining that he may be making too much noise or "Mr. Parrish you have

done this or that." He stated that he had contacted the Zoning Board of Appeals to say that he was considering building a buffering wall against the back of his building infilling and using that area for a parking lot. Immediately, he was told that he would have to erect a fence. Now, he shows up today and he is told that he will not have to put up a fence. Initially, when he was told that he would have to put up a fence, this is when he contacted his attorney. He added that he did not feel that it was incumbent upon him to insolate himself from people that are going to move into the area simply because they choose to buy a house close to where he makes his living and then want to complain about it when it was here when they purchased the property. He stated that he did not think that this was right. It may be legal; but it is not right. He asked that consideration be given to him due to the fact that his business has been here as long as he has.

Liz Thompson asked if she could clarify because she was sensing some heartburn in the use of the word "buffer" which Mr. Butler says is not required. The code section that she cited indicates that it is a screening wall. She would prefer to go with the term screening.

Mr. Butler stated that it was the same thing, but the question is who would build it.

Mr. Reese asked what type of wall would this be.

Mr. Butler responded that it did not matter. At the moment this residential is abutting a vacant lot and there is no requirement that you screen a residential property from a vacant lot. Mr. Parrish is saying that he intends to expand into that area, but we do not have any plans or an application to this.

Mr. Wilson stated that this was the first time that he had been made aware of this. He was not planning to have this expense in his project, but given the nature of the request and the fact that it will benefit the both of them he would be willing to participate in the expense of building an eight foot wall on the property line.

Chairman Mackey asked that Mr. Butler clarify the charge of the Board and that each party understand what this charge would be to the Board.

Mr. Butler explained that there are four things being proposed here: 1) approval of a first floor height variance; 2) a request for side setback to find that the language, and not the artwork, be the binding element; 3) a request for a 3% frontage variance; the petitioner no longer needs this. Staff recommended denial. (Just as a formality this needs to be denied because it was a part of the petition) and; 4) the requirement that all documents, drawings, plats and other site plans related to this property to have the words "conforming commercial" printed on Mr. Parrish's property.

The Board voted and Mr. Butler stated that this would take care of item 6 on the agenda, 309 E. 41st Street. Item 7, 311 East 41st Street has an identical request. This is the property that abutts Mr. Parrish's property so if the board is going to require this screening wall this would be the property on which the wall would be.

Board Action:

Staff recommendation is for **approval** of the two-foot first floor height variance on both cases (Agenda items 6 & 7); The setback variance is based on a drawing accompanying the development standards language in the TC-1 district.

Staff recommends that the board rule that the text obtain over the drawing, and find that a zero side setback is permitted when a structure is abutting a TC-1 or TC-2 zoning district (making the petitioner's proposed five-foot side setback acceptable under the ordinance). The request for a 3% frontage variance was predicated on the side setback requirements. Staff therefore recommends denial of the requested 3% frontage variance. Staff recommends that the petitioner be required to include on all plats and drawings of the subject property the words "Conforming Commercial" on the lot to the east of 311 E. 41st Street.

- PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson

- Aye

Timothy Mackey

- Aye

Brian Reese

- Aye

8. [311 E. 41st St. - Standards Variances - 59218](#)

Attachment: [Staff Report -59218.pdf](#)

Attachment: [Ortho-Zoning-Imagery.pdf](#)

Attachment: [E41st STREET GROUP SITE PLAN.pdf](#)

Attachment: [Site Plan.pdf](#)

Attachment: [COA - 311 East 41st Street.pdf](#)

This item is identical to the previous item (309 E. 41st Street). The four motions that were made were repeated to apply for 311 E. 41st Street.

Board Action:

Approval per staff recommendation.

- PASS

Vote Results

Motion: Brian Reese
Second: Sidney J Johnson
Sidney J Johnson - Aye
Timothy Mackey - Aye
Brian Reese - Aye

9. [913 E. 41st St. - Setback Variance - 61933](#)

Attachment: [Staff Report -61933.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)
Attachment: [Building Footprints.pdf](#)
Attachment: [Site Plan.pdf](#)

Present for the petition was: Mathew Hallot

Jack Butler gave the following summary:

The petitioners, Ray and Ines Pritchett, are requesting approval of a 4-foot, 4-inch reduction in the required 25-foot rear yard setback in order to construct an addition onto an existing single-family residence.

The proposed encroachment is comparatively minor, and the size of the proposed addition is minimal. All other residences on the block face include stand-alone garages on a rear lane that sit on or near the rear property line. The proposed encroachment would maintain a substantial back yard. Staff recommends **approval** of the requested 4-foot, 4-inch rear setback variance.

Speaking on the petition: Mr. Hallot, neighboring property owner, stated that the Pritchetts were out of town but that he was present in their stead. He stated that he was in favor of the petition and could answer any questions that the board may have.

Board Action:

Staff recommends **approval** of the requested 4-foot, 4-inch rear setback variance. - PASS

Vote Results

Motion: Brian Reese
Second: Sidney J Johnson
Sidney J Johnson - Aye
Timothy Mackey - Aye
Brian Reese - Aye

10. [205 E. 44th St. - Lot Coverage Variance -51887](#)

Attachment: [Staff report -51887.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)

Attachment: [Building Footprints.pdf](#)
Attachment: [Site Plan.pdf](#)
Attachment: [Board Decision -November 2010.pdf](#)

Jack Butler gave the following summary:

The petitioners, Daniel and Helene Suh, are requesting approval of a lot coverage variance of 10% in order to add a 714-square foot covered porch onto the side of their house. The addition would bring the lot coverage to 46% (from the current 36% lot coverage, a prior coverage variance having been granted in November, 2010).

Board Action:

Staff recommends **approval** of the requested lot coverage variance. - PASS

Vote Results

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

11. [1945 Mills B. Lane - Appeal of Decision by the Zoning Administrator - 48324](#)

Attachment: [Staff Report -48324.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)

Present for the petition: Lonnie Brown

Jack Butler gave the following summary:

On September 2, 2011 the Zoning Administrator, Randolph Scott, issued a finding that allowed the owner of the Water Jet Company to use shipping containers as accessory storage under the terms of the Use No. 53 Section 8-3025a that permits the use of storage containers on R-6 properties, provided that six standards are met; 1) the containers must be set back at least 10 feet from any property line; 2) the container must be placed upon a paved surface; 3) the container must have no exterior signs or lettering; 4) the containers must have an exterior finished in a neutral color and 5) the container must be free of structural damage and; 6) must be screened from view from adjoining properties by the use of visual buffers along lot lines by the use of a fence or wall.

The petitioner, Henry J. Priest, owns the adjoining residential property to the east of the commetical property. The petitioner maintains that the containers are placed on a non conforming residential property. The property on which the containers are placed is in fact a conforming I-L and a non-conforming R-6 split zone lot that is used for light industrial purposes. It is not therefore a residential property by any stretch of the imagination. The petitioner maintains that there are two containers on the property that are laid out in a way

that would accommodate outdoor storage. This is not relevant to the use of the containers as storage. The containers are permitted in the district. The petitioner maintains that the equipment that is being used that does not fall within an I-L zoning this again is not relevant to the use of the containers for outdoor storage. The petitioner maintains that the zoning laws are being broken because of Waterjet cutting machines in use on the site. (again not relevant to the placement and use of shipping containers for storage). And the petitioner maintains that allowing these containers will create more traffic and noise. Containers themselves are unlikely to create either traffic or noise. While the subject property owner and the tenant company respectively are not yet in complete compliance with the standards required for the use of shipping containers for outdoor storage, they are making considerable strides towards compliance with only the completion of the wall (substantially complete as of now) and the painting of the containers in order to bring the site into full compliance. Staff finds that the issues raised by the petitioners are either incorrect interpretations of the facts or are irrelevant to the placement of the containers. There may or may not be merit to the petitioners complaints regarding activities on the subject site (for example, the use of Waterjet cutting machinery and outdoor storage of palets and other storage material). Staff finds that the Zoning Administrator correctly interpreted the ordinance in regards to the use shipping containers as storage buildings. The subject property owner is making efforts to meet the standards of that use. Staff therefore recommends that the board confirm the decision of the Zoning Administrator.

Speaking on the petition: Henry James Priest stated that he was representing the residents that live along Mills B. Lane Blvd as well as Fitzgerald Street and Lloyd Street. The reason the decision was made to appeal the decision of the Zoning Administrator's is that there have been so many violations there. He presented pictures of the violations. He asked that no additional containers be allowed on the site.

Chairman Mackey asked if the appeal is for the Board to determine whether or not the Zoning Administrator correctly made an interpretation of the ordinance only. If this is the case then as a resident what recourses do they have.

Mr. Butler explained that what the residents are alleging (such as improper use of milling machinery or improper placement of these machines improper storage of palets and debris) are complaints for Code Enforcement. They can be brought to the attention of the Zoning Administrator as complaints as to the way the site is maintained. The case before the board is simply the interpretation of the ordinance: "Did he correctly apply the ordinance to allow shipping containers at this site". Staff's finding is "yes, he did". If the residents have other issues there are other avenues that they can take. He outlined those avenues.

Chairman Mackey stated that clearly whoever owns this site, to the Zoning Administrator's interpretation: he stated that he would not want to live adjacent to the property and the owner places 36 containers on the property--however the charge of the board is to determine if the zoning administrator made the correct call in terms of the ordinance and his charge as Chairman is to keep the board on charge. He directed board members to vote as to whether or not the Zoning Administrator made the correct call in terms of the ordinance only. The concerns of Mr. Priest are an enforcement issue. He directed Mr. Priest to contact Mr. Bolton, City Zoning Inspector regarding his concerns.

Board Action:

Staff recommends that the board **confirm** the decision of the Zoning Administrator - PASS

Vote Results

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

VIII. Other Business

IX. Adjournment

12. [Submittal](#)

There being no other business to come before the Board, the Chairman declared the October 25, 2011 SZBA Meeting adjourned.

Respectfully submitted,

Jack Butler,

Assistant Secretary

The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.